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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANIEL ROOPNARINE,

Petitioner,

-v-

08-CV-0695A(F)  
**ORDER**

MARTIN HERON,

Respondent.

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Petitioner, Aniel Roopnarine, filed a petition for habeas corpus relief, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal. (Docket No. 1).<sup>1</sup> Respondent has filed a motion to dismiss the petition as moot inasmuch as petitioner's removal to his native country was effected on or about January 5, 2009, by the Department of Homeland Security/Immigration and Customs Enforcement ("DHS/ICE"). (Docket No. 6, Affidavit of Gail Mitchell, Esq., sworn to January 12, 2009, and Exhibit A, Warrant and Removal/Deportation). Respondent's counsel has submitted a copy of

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<sup>1</sup>Because petitioner did not and could not challenge his final order of removal in this Court, a stay of removal was neither requested nor granted. (Docket No. 1, Petition). See, e.g., *Sikder v. Gonzalez*, No. 05cv01833WYDMJW, 2006 WL 1149153, at \*5 (D. Col., April 28, 2006) ("Nevertheless, pursuant to the [REAL ID] Act, this court is without jurisdiction to hear the petitioner's claims or to grant him the relief he seeks in his motion, such as a stay of the order of removal.") (Order Affirming and Adopting Magistrate Judge's Report and Recommendation) (citations omitted); *Aime v. Department of Homeland Security*, No. 05-CV-0544F, 2005 WL 1971894, \*1 (W.D.N.Y. Aug. 16, 2005) ("since petitioner challenges an order of removal within the meaning of the REAL ID Act, § 106(b) . . . this Court has no jurisdiction to review the merits of the petition or to stay the order of removal.")

the Warrant/Removal of Deportation of DHS/ICE verifying the petitioner's removal. (*Id.*, Exhibit A).

Accordingly, in light of the fact that petitioner's removal has been effected and that the relief requested in the petition has been granted, i.e., release from DHS detention, the respondent's motion to dismiss the petition is granted and the petition is dismissed.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESCA  
United States District Judge

Dated: February 11, 2009  
Rochester, New York